

**To:** Johnson, Kathleen[Johnson.Kathleen@epa.gov]  
**From:** Skophammer, Stephanie  
**Sent:** Wed 9/9/2015 11:44:31 PM  
**Subject:** RE: spoke to Jared- confirm 2 edits?  
BDCP SDEIS Briefing Paper McCarthy kmg.docx

Kathleen-

Can you please confirm whether you want these 2 edits while I finish the longfin chart? Kathy added the red in 1 and Tom added the red in line 2.

1) In August of last year, EPA was prepared to give an **Ex. 5 - Deliberative** to the BDCP DEIS, based on significant concerns with the project's environmental impact and lack of information.

2)

Action	Actual/Expected Date	EPA's Expected Action
BDCP/CA WaterFix Supplemental DEIS published for public review	July 17, 2015	NEPA/309 comments and rating to BOR by October 30, 2015
Corps Public Notice of DWR's CWA 404 permit application	Sept 9, 2015	3(b) ARNI Letter to Corps by Oct 9, 2015
State Water Board public notice of the change in the point of diversion petition (submitted by DWR and BOR on 8/26/15), which will include an anticipated schedule for processing the petition.	Fall 2015 through 2016	None
State Water Board to issue 401 Water Quality Certification	2016	None
Reclamation to publish Biological Assessment for CA WaterFix	Late October 2015	None
Corps to issue 404/408 permits	TBD	May be preceded by a request to elevate
State Water Board to update Water Quality Control Plans	Phase I (Winter 2015/2016); Phase II (2016/2017); Phase III & IV	Review and approval/disapproval of change to wqs

	(TBD)	
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**From:** Johnson, Kathleen

**Sent:** Wednesday, September 09, 2015 4:08 PM

**To:** Goforth, Kathleen; Skophammer, Stephanie; Hagler, Tom; Foresman, Erin; Vendlinski, Tim; Kemmerer, John

**Subject:** RE: spoke to Jared

Thank you all for your quick work on this. A few more edits and we are there. I think the table is too long with too much detail. Like so much other stuff, lets only include top level activities and keep the longer chart in hand for questions. We really just want to stress there are 3 important activities on our heels. I would like to see about ½ the entries. I would also further edit the paragraph on EcoRestore. Yes, lets leave in the recommendations – ~~Jared did not want~~

# Ex. 5 - Deliberative

Kathleen H. Johnson

Director, Enforcement Division

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**From:** Goforth, Kathleen

**Sent:** Wednesday, September 09, 2015 3:50 PM

**To:** Skophammer, Stephanie; Johnson, Kathleen; Hagler, Tom; Foresman, Erin; Vendlinski, Tim

**Subject:** RE: spoke to Jared

Thank you, Stephanie. My edits and recommendations are attached.

-Kathy

Kathleen Martyn Goforth, Manager

Environmental Review Section (ENF-4-2)

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**From:** Skophammer, Stephanie

**Sent:** Wednesday, September 09, 2015 1:49 PM

**To:** Johnson, Kathleen; Hagler, Tom; Foresman, Erin; Vendlinski, Tim; Goforth, Kathleen

**Subject:** RE: spoke to Jared

Ok I integrated everyone's comments. Thanks for all the input. I added also added a map per Tom's request.

Tim, I shortened yours a bit for the briefing paper but, like Erin's bullets, think they should be kept for backup info.

I really tried for the gantt chart, but I couldn't make it work and I believe a table captures it better.

Kathleen- one question- keep the rating options in, or take them out, or leave Ex. 5 - Deliberative suggestion in?

**From:** Johnson, Kathleen  
**Sent:** Wednesday, September 09, 2015 12:34 PM  
**To:** Foresman, Erin; Vendlinski, Tim; Goforth, Kathleen; Skophammer, Stephanie; Hagler, Tom; Kemmerer, John  
**Cc:** Bromm, Susan; Leff, Karin; Brush, Jason  
**Subject:** RE: spoke to Jared

Thanks Erin! Steph, I would suggest we take the first bullet and add to the briefing paper – in that parenthetical I suggested we could ‘punch up’. Lets keep the rest of this info as backup info for questions or to emphasize the point during the briefing.

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**From:** Foresman, Erin  
**Sent:** Wednesday, September 09, 2015 12:19 PM  
**To:** Vendlinski, Tim; Johnson, Kathleen; Goforth, Kathleen; Skophammer, Stephanie; Hagler, Tom; Kemmerer, John  
**Cc:** Bromm, Susan; Leff, Karin; Brush, Jason  
**Subject:** RE: spoke to Jared

A few summary bullets on WaterFix aquatic species impacts are listed below. The list is a summary of impacts described in Table 2 of the attached briefing paper plus information about recent status of species.

- The quality and quantity of aquatic habitat for fish (spawning, rearing, and/or migration) is estimated to be “substantially reduced” for 84% of the fish (16 of 19) evaluated in the SDEIS relative to existing conditions in the estuary.
- Longfin smelt is estimated to decline by 6-22% under the preferred alternative relative to existing conditions.
- Juvenile striped bass abundance is estimated to decline by 16-23% under the preferred alternative relative to existing conditions.
- Bay shrimp abundance is estimated to decline by 2-10% under the preferred alternative relative to existing conditions.
- Current conditions in the estuary are very poor for fishes and worse than they were in 2009 when the “existing conditions” baseline was developed.
- 2015 Delta smelt summer monitoring recorded a zero for the abundance index
- Winter-run Chinook salmon lost 95% of its 2014 juvenile cohort and is continuing a downward trend.
- Longfin smelt abundance index was 16 in 2014 monitoring (100 times lower than abundance levels prior to 2002; 5000 times lower than levels in the 1960s and 1970s).
- The 2015 juvenile striped bass abundance index the last three years has been close to zero ranging from 0.3 to 0.6 and has been lower than 3.0 since 2002.

Erin Foresman

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*Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p*

**From:** Vendlinski, Tim

**Sent:** Wednesday, September 09, 2015 9:53 AM

**To:** Johnson, Kathleen; Goforth, Kathleen; Skophammer, Stephanie; Foresman, Erin; Hagler,

Tom; Kemmerer, John  
**Cc:** Bromm, Susan; Leff, Karin; Brush, Jason  
**Subject:** RE: spoke to Jared

I'll write a paragraph as requested by Kathleen by COB today regarding EcoRestore and the Delta Conservancy's restoration initiative that can be used both in the briefing paper and the NEPA comment letter. I added Jason to this email string so he's in the loop (given his role in the 404/ARNI letter).

Thanks, Tim

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Tim Vendlinski

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**From:** Johnson, Kathleen  
**Sent:** Tuesday, September 08, 2015 4:26 PM  
**To:** Goforth, Kathleen; Vendlinski, Tim; Skophammer, Stephanie; Foresman, Erin; Hagler, Tom; Kemmerer, John  
**Cc:** Bromm, Susan; Leff, Karin  
**Subject:** RE: spoke to Jared

OK, I like gantt charts, but I understand the dilemma. I think anything more visual which might

help with sequencing would be helpful. Even if we have a rough idea of what will come first, second, third, etc.

Kathleen H. Johnson

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**From:** Goforth, Kathleen

**Sent:** Tuesday, September 08, 2015 4:23 PM

**To:** Johnson, Kathleen; Vendlinski, Tim; Skophammer, Stephanie; Foresman, Erin; Hagler, Tom; Kemmerer, John

**Cc:** Bromm, Susan; Leff, Karin

**Subject:** RE: spoke to Jared

Stephanie is working on the regulatory context timeline. Since we do not have dates or even firm timeframes for most of the other agencies' regulatory actions, would it suffice to present them in a table that shows the general order in which we anticipate each regulatory action will occur, along with notes re: any dates or general timeframes that we do know? (We're thinking that a Gantt chart or the like would not be appropriate, since it would give the impression of far more certainty regarding other agencies' plans and schedules than we currently possess.)

Stephanie will also incorporate your revisions into the briefing paper, along with a little "punching up", as requested.

Kathleen Martyn Goforth, Manager

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**From:** Johnson, Kathleen

**Sent:** Tuesday, September 08, 2015 3:30 PM

**To:** Goforth, Kathleen; Vendlinski, Tim; Skophammer, Stephanie; Foresman, Erin; Hagler, Tom; Kemmerer, John

**Cc:** Bromm, Susan; Leff, Karin

**Subject:** spoke to Jared

He had some ideas about the briefing.

You all are welcome to attend and I hope you all can make it. Jared and I will take the lead on doing the talking and have you guys offer support on questions. Would be great, Erin, if you could be in the room. Can you come to the city on Monday?

Tim, we need some info on the habitat stuff they are doing, or committing to do. Could you put together some bullets or a paragraph on that? Suggestions also on where to put it?

Team, can you all capture the regulatory context part in a timeline – meaning something visual? We may or may not need the text as well, but a projected timeline would be great.

I'm going to work on the context paragraph a little bit. Jared wants us to upfront acknowledge the good part of the tunnels and then talk about the larger problem.



He doesn't want to include the old briefing paper – thinks it is too confusing.

As soon as you can do it, please. We need to shoot for getting the paper to the administrator as soon as we can on Thursday.

Kathleen H. Johnson

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